IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 13508 of 2003

Between:

N.V. Narasiah E/E80215, Driver of Jaggaiahpet Depot
R/o Sher Mohammad Pet, Jaggaiahpeta, Krishna District

..... PETITIONER

AND

1 The APSRTC., rep by its Vice Chairman & Managing Director,

Musheerabad, Hyderabad
2 The APSRTC., rep by its Regional Manager Krishna region, Vijayawada
3 The APSRTC.m rep by its Depot Manager, Jaggaiahpeta, Krishna District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proposing to alter the date of Birth in the service record of the petitioner after completion of 24 years service vide proc No. E1/255(4)/2003- Jaggaiahpet, dt 30-6-2003 is illegal, arbitrary without jurisdiction, contrary to Reg 19(3) of APSRTC (service_ Regulations, contrary to well established principles of law and as such liable to be set aside in the interest o f justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.MANMADHA REDDY, STANDING COUNSEL FOR APSRTC

The Court made the following:

ORDER:

Heard both sides and at their request, the writ petition is taken up for disposal.

The petitioner, who is working as a Driver with the respondent-Corporation, files this writ petition, *inter alia*, challenging the impugned show-cause notice dated 30.06.2003, whereunder the respondents are proposing to correct the date of birth of the petitioner from 03.01.1949 to 15.07.1945.

The case of the petitioner is that there is absolutely no justification in issuance of the impugned proceedings, more so, at the fag end of the service and for which there is absolutely no basis.

However, having heard on either side and on perusal of the material, it is seen that the impugned proceedings are only show-cause notice and the petitioner has been given an opportunity to file appropriate explanation. Instead of filing explanation and raising all the objections, the petitioner has approached this Court under Article 226 of the Constitution of India, which is not maintainable and the writ petition is quite premature.

Accordingly, the writ petition is dismissed with a liberty to the petitioner to file his explanation within a period of four weeks from today and on such explanation, the respondents shall dispose of the matter on merits in accordance with law after giving an opportunity to the petitioner. No costs.

It is needless to mention that till the final orders are passed, the petitioner shall not be discharged from service.

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06.12.2004

VGB

To

1 The Vice Chairman & Managing Director, APSRTC,

Musheerabad, Hyderabad
2 The Regional Manager, Krishna Region, APSRTC, Vijayawada
3 The Depot Manager, APSRTC. Jaggaiahpeta, Krishna District

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